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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/540,674 | 03/31/2000 | Reza Majidi-Ahy | 164.1001.01 | 2065 |
| 22883 | 7590 | 01/14/2005 | EXAMINER | |
| SWERNOFSKY LAW GROUP PC P.O. BOX 390013 MOUNTAIN VIEW, CA 94039-0013 | | | SMITH, SHEILA B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2681 | |

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/540,674

Applicant(s)

MAJIDI-AHY, REZA

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 50-59 is/are allowed.
- 6) ☐ Claim(s) 40,42,44 and 46-49 is/are rejected.
- 7) ☐ Claim(s) 41,43 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 40,42,44,46-49 rejected under 35 U.S.C. 102(b) as being anticipated by Atkinson (U.S. Patent Number 5,883,884).

Regarding claim 40, Atkinson discloses essentially all the claimed invention as set forth in the instant application, further Atkinson discloses wireless digital communication system having hierarchical wireless repeaters with autonomous handoff. In addition Atkinson further discloses a method of controlling communication between a base station controller (1001) and customer premises equipment (1010), comprising steps of: selecting, by said base station controller (1001), one or more access points (1004,1007) between said base station controller (1001) and said customer premises equipment (1010) for sending a message (which reads on column 10 lines 25-30); controlling, by said base station controller (1001), physical parameters and media access control parameters for said access points (which reads on column 4 lines 9-15); controlling, by said access points, routing and switching of said message to or from said customer premises equipment (which reads on column 9 lines 5-14); and sending said message through said access points from said base station controller to said customer premises equipment

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or from said customer premises equipment to said base station controller (which reads on column 5 lines 22-25).

Regarding claim 42, Atkinson discloses everything claimed, as applied above (see claim 40) additionally Atkinson discloses the step of controlling, by said base station controller, quality of service parameters for communication between said base station controller and said access points (which reads on column 9 lines 5-14).

Regarding claim 44, Atkinson discloses everything claimed, as applied above (see claim 40) additionally Atkinson discloses the step of controlling, by said access points, quality of service parameters for communication between said access points and said customer premises equipment (which reads on column 9 lines 5-14).

Regarding claim 46, Atkinson discloses everything claimed, as applied above (see claim 40) additionally Atkinson discloses access points include one or more repeaters (which reads on 10 lines 11-15).

Regarding claim 47, Atkinson discloses everything claimed, as applied above (see claim 40) additionally Atkinson discloses access points include one or more routers or switching devices (which reads on column 9 lines 5-14).

Regarding claim 48, Atkinson discloses everything claimed, as applied above (see claim 40) additionally Atkinson discloses access points includes one or more reflectors, repeaters, or routers or switching devices (which reads on 10 lines 11-15).

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Regarding claim 49, Atkinson discloses everything claimed, as applied above (see claim 40) additionally Atkinson discloses step of sending is at least partially wireless (which reads on 1 lines 2-4 and column 10 lines 17-18).

Allowable Subject Matter

2. Claims 41,43,45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 50-59 are allowed.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 

January 10, 2005


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600